

Message Text

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PAGE 01 MANILA 14151 071010Z

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ACTION EA-09

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TO SECSTATE WASHDC 8277

C O N F I D E N T I A L MANILA 14151

E. O. 11652: GDS

TAGS: PINT, RP

SUBJECT: GOVERNMENT DROPS HOMICIDE CHARGES AGAINST ENRILE, JR

REF: (A) MANILA 13693

(B) MANILA 13980

1. CHIEF STATE PROSECUTOR NOCON ANNOUNCED OCTOBER 6 HE HAD MADE FORMAL DETERMINATION THAT HOMICIDE CHARGES SHOULD NOT BE FILED AGAINST JUAN PONCE ENRILE, JR., IN CONNECTION WITH DEATH OF ERNEST LUCAS SEPTEMBER 20. IN REJECTING NATIONAL BUREAU OF INVESTIGATION'S RECOMMENDATION THAT CHARGES BE FILED AGAINST YOUNG ENRILE, NOCON ARGUES ENRILE NEITHER EXECUTED ANY DIRECT OVERT ACT WHICH CONTRIBUTED TO DEATH OF LUCAS NOR CONSPIRED WITH OR ORDERED SGT. CRUZ (HIS BODY-GUARD) TO KILL LUCAS. NOCON ALSO RECOMMENDED THAT SER-GEANT DANILO CRUZ BE TRIED BY MILITARY TRIBUNAL FOR LUCAS HOMICIDE.

2. COMMENT: DECISION NOT TO PRESS CHARGES AGAINST HIS SON PAVES WAY FOR RETURN OF SECRETARY OF NATIONAL DEFENSE. AS SUGGESTED REFTEL (A) , SENIOR ENRILE'S PRESTIGE WAS DIMINISHED AND DOUBT WAS CAST ON HIS STANDING WITH MARCOS WHEN HIS SON WAS CHARGED AND HE WENT ABROAD. ENRILE'S STOCK NOW SEEMS TO BE ON REBOUND AS ADVERSE REACTION TO MELCHOR-MANAGED PURGE SETS IN AND SUSPICION OF MELCHOR POWER GRABBING PERMEATES BUREAUCRACY (REFTEL B).

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4. DESPITE ENRILE'S PROTESTATIONS ABOUT NOT WISHING
UNDULY INFLUENCE HIS SON'S CASE, HANDLING OF HOMICIDE
CHARGES AGAINST ENRILE, JR., APPEARS RATHER RANK. JACKIE
DID NOT EVEN APPEAR IN PERSON AT HEARINGS SINCE HE WAS
"ATTENDING CLASSES." WHILE TAKING SWORN STATEMENT
ACCORDS WITH RECOGNIZED PHILIPPINE PROCEDURE, IN CASES
OF THIS IMPORTANCE MATERIAL WITNESSES ARE NORMALLY INTER-
ROGATED IN PERSON BY INVESTIGATING FISCAL. GOVERNMENT
RELIED ON HIS DEPOSITION. DESPITE IMMEDIATELY FAVORABLE
DISPOSITION OF ENRILE, JR'S CASE, ENRILE'S
NAME HAS BEEN TARNISHED SOMEWHAT, AND INCIDENT DOES
PROVIDE RESIDUAL WEAPON TAHT COULD BE USED AGAINST HIM
IN FUTURE.
SULLIVAN

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